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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/527,424	03/17/2000	Rolf Kohler	10191/1333	4178

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EXAMINER

MCLEAN, KIMBERLY N

ART UNIT PAPER NUMBER

2187

DATE MAILED: 05/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/527,424

Applicant(s)

KOHLER ET AL.

Examiner

Kimberly N. McLean

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 March 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. The enclosed detailed action is in response to the Information Disclosure Statement submitted on March 17, 2000, Priority Papers submitted on August 11, 2000 and the Application submitted on March 17, 2000.

#### ***Information Disclosure Statement***

2. The information disclosure statement filed fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the penciled out references referred to therein has not been considered.

#### ***Specification***

3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

#### ***Claim Rejections - 35 USC § 112***

4. Claims 1-28 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

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The specification does not provide enabling support for the "and/or" language cited in the claims.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The language "and/or" used in the claim limitations is indefinite.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-3, 12-14, 24-26 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. (USPN: 5,930, 826).

Regarding claims 1-3, 6, 12-13, 16-18 and 24-28, Lee discloses a method of erasing and/or programming data and/or programs in a memory arrangement, comprising the steps of: providing an identifier (Figure 1, comprised of References 81, 82 and 83) into an area<sup>of</sup> the memory arrangement (Figure 1, comprised of References 10 and 11; C 5, L 61-62) that is to be erased and/or programmed, the identifier identifying a correct erasing and/or programming of the

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memory arrangement (C 3, L 50-64); and altering the identifier in the memory arrangement before erasing and/or programming the data and/or programs (C 6, L 44-46; C 3, L 57-63 – Lee teaches that when a memory sector is accessed, its protection bits are accessed also and are examined before any operation on the data is executed. Hence, it is evident that the identifier is programmed before erasing and/or programming the data and/or programs). Lee does not explicitly disclose a computer control unit in a motor vehicle having the above memory arrangement. However, it is well known in the art to use memory devices in a computer control unit in a motor vehicle. The features taught by Lee provide memory protection to prevent unintentional erasures or programming of data. Hence, it would have been obvious to one of ordinary skill in the art to use the memory arrangement having the above features in a computer control unit in a motor vehicle for the desirable purpose of providing data protection, accuracy and reliability.

Regarding claims 4-5 and 14-15, Lee discloses entering the identifier into a further area of the memory arrangement, the further area being erased and/or programmed only after erasing and/or programming of the area (C 5, L 36-50).

9. Claims 7-11 and 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. (USPN: 5,930, 826) in view of the submitted prior art Yousuke et al. (JPPN: 09161493 A).

Lee discloses the limitations cited above. However, Lee does not disclose the identifier as a section of a program identifier which identifies the respective data and/or programs nor altering

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the identifier by erasing and/or programming so that the identifier is unidentifiable. Yousuke does disclose an identifier as a section of a program identifier which identifies the respective data and/or programs and altering the identifier (by replacing the identifier/write execution display flag with a different identifier/write end display flag) by erasing and/or programming so that the identifier is unidentifiable (Abstract). Yousuke teaches that this feature improves reliability (Abstract). Hence it would have been obvious to one of ordinary skill in the art to use Yousuke's teachings with the teachings of Lee for the desirable purpose of improved reliability.

### *Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Honma – USPN: 6,108,235 – protection circuit for a memory device.

Fandrich et al. – USPN : 5,592,641 – locking memory blocks.

Mattison – USPN: 6,363,463 B1 – protecting flash memory.

Chuang et al. – USPN: 6,031,757 – write protected non-volatile memory.

Jennings, III et al. – USPN : 5,920,884 – nonvolatile memory.

Yasu et al. – USPN : 5,912,849 – write protection for a non-volatile memory.

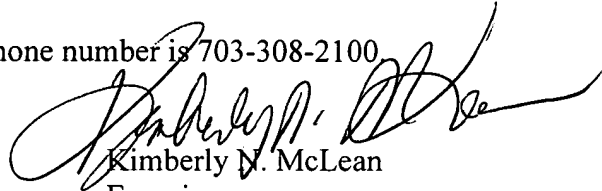
Ogura et al. – USPN : 5,991,197 – data protection for a memory device.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly N. McLean whose telephone number is 703-308-9592. The examiner can normally be reached on M-F (9:00 - 6:30) First Friday Off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Do Yoo can be reached on 703-308-4908. The fax phone numbers for the organization where this application or proceeding is assigned are 703-7467329 for regular communications and 703-746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2100.



Kimberly N. McLean  
Examiner  
Art Unit 2187

KNM  
May 1, 2002